

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Jimmie Lee Stukes,)	C/A No.: 3:08-3662-JFA-PGJ
)	
Plaintiff,)	
v.)	ORDER OF DISMISSAL
)	
Dynacorp International, LLC,)	
)	
Defendant.)	
)	

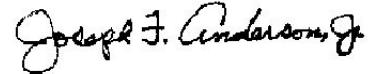
On November 25, 2008, the Magistrate Judge assigned to this action entered an order requesting the *pro se* plaintiff, Jimmie Lee Stukes, bring this 42 U.S.C. § 1983 case into proper form. The order advised Mr. Stukes that he had twenty (20) days from the date of the order, plus three days mail time, to complete USM-285 forms and summonses for service on the defendants and answer a special interrogatory of the court. Mr. Stukes was also advised that failure to comply with the Magistrate Judge's order could result in dismissal of his action.

The Magistrate Judge assigned to this action¹ has prepared a Report and Recommendation, filed January 5, 2009, and suggests that this case be dismissed without prejudice and without issuance and service of process because the plaintiff has not complied with the court's order of November 25, 2008. The plaintiff did not file objections to the Report.

¹ The Magistrate Judge's review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objection is made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. See 28 U.S.C. § 636(b)(1).

As of the date of this order, it appears from the record in this case that the plaintiff has not complied with the Magistrate Judge's order. Accordingly, this action is dismissed without prejudice and without issuance and service of process.

IT IS SO ORDERED.



February 3, 2009
Columbia, South Carolina

Joseph F. Anderson, Jr.
United States District Judge